

Ruben Garcia
Name
Po box 520 Santa Rosa
New Mexico 88435
Address

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

12 AUG 10 PM 4:25

CLERK ALBUQUERQUE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Ruben J. Garcia, Plaintiff
(Full Name)

CASE NO. 12 cv 868 MV/LAM
(To be supplied by the Clerk)

v.

State of New Mexico
County of Valencia, Defendant(s)
Thirteenth Judicial District Court
Judge John W. Pope

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Ruben Garcia, is a citizen of New Mexico
(Plaintiff) (State)
who presently resides at Post office Box 520 Santa Rosa, N.M. 88435
(Mailing address or place of confinement)

2) Defendant John W. Pope is a citizen of
(Name of first defendant)
Valencia County New Mexico, and is employed as
(City, State)
_____. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☐ No ☐ If your answer is "Yes", briefly explain:

- 3) Defendant Hubert Troy Gray is a citizen of
(Name of second defendant)
New Mexico, and is employed as
(City, State)
_____. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes ☐ No ☐ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case. Mental Anguish
False Imprisonment.

① I Ruben Garcia was tried and sentenced under an invalid indictment that violated my rights under the New Mexico Constitution. ② Also my right to free from unreasonable searches and seizures was violated. ③ Also there was not sufficient evidence as to either of my convictions. ④ Also I was denied my right to a Probable Cause hearing on the charges, were the Grand jury returned an indictment on trafficking in Methamphetamine, yet I was tried to a jury on whether I had trafficked a different narcotic: heroin? neither of which was presented to the jury. I have been incarcerated for 3 years and have lost everything. Also my 3 kids are suffering for this.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Public defender: Laurel Anne Carrier, Jack B. Jack
Attorney: Frederick D. Jones, Jr.

B)(1) Count II:

(2) Supporting Facts:

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: Release from Prison.
Money damage 3.5 million dollars for mental Anguish
Health Problems Not only for me but for my
three children Also.

Signature of Attorney (if any)

Signature of Petitioner

Attorney's full address and telephone
number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at _____ on _____ 20____.
(Location) (Date)

(Signature)

Ruben Garcia Decetti of 1077
Guadalupe County Correctional Facility
Post Office Box 520
Santa Rosa, New Mexico
88435

RECEIVED
At Albuquerque NM

AUG 10 2017

MATTHEW J. DYKMAN
CLERK

Clerk of Court

United States District Court
District of New Mexico
333 Lomas Blvd NW
Suite 270
Albuquerque, NM

87102-1843

LEGAL MAIL